

**KENDRA M. MATTHEWS, OSB No. 965672**

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Of Attorneys for Defendant Ed Needles

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	<b>NO. CR 09-476-1-MO</b>
Plaintiff,	)	
	)	<b>AFFIDAVIT OF KENDRA M.</b>
v.	)	<b>MATTHEWS IN SUPPORT OF</b>
	)	<b>DEFENDANT NEEDLES'</b>
<b>ED NEEDLES,</b>	)	<b>MOTION TO CONTINUE</b>
	)	<b>TRIAL DATE</b>
Defendant.	)	

STATE OF OREGON	)	
	)	ss.
County of Multnomah	)	

I, KENDRA M. MATTHEWS, being first duly sworn, do hereby depose and say:

1. I have been appointed pursuant to the Criminal Justice Act to represent defendant Ed Needles.

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DEFENDANT NEEDLES' MOTION TO CONTINUE TRIAL DATE**

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2. Mr. Needles has been charged with co-defendant Joe McBroom with one count of unlawfully maintaining, occupying and using a residence on National Forest System lands. 36 C.F.R. § 216.10(b).

3. Mr. Needles was arraigned on December 18, 2009, at which time his trial was scheduled for February 23, 2010.

4. This matter relates to defendants' mining operation, which is located in Eastern Oregon. The issues underlying the charge are relatively complex because they involve the interpretation of mining laws in the United States and the authority of the United States Forestry Service to regulate mining operations. Counsel believes that many of the issues underlying this prosecution have been litigated administratively. While the government has produced 300 pages of discovery related to this matter, it has not yet made the full administrative record available for defense counsel's review. It anticipates that it will be able to do so some time in early February. The government has also indicated that it may also be producing some additional reports for counsel's review and that, as a result of those reports, it may seek an amended Information.

5. Additional time is needed to research the applicable law, review discovery and prepare any pretrial motions.

6. Counsel believes that the basis for this motion constitutes delay which is excluded pursuant to 18 U.S.C. § 3161(h)(8)(A) and Mr. Needles consents to and requests the continuance. The motion is not filed for the purpose of delay but rather, to ensure

Mr. Needles' rights pursuant to the Sixth Amendment to the United States Constitution are fully protected.

7. On January 19, 2010, counsel for defendant met with co-defendant Joe McBroom's counsel, Francesca Freccero, and counsel for the government, Assistant United States Attorneys Dwight C. Holton and Neil J. Evans, regarding this request. Ms. Freccero indicated that Mr. McBroom would be filing a similar motion. Mr. Holton and Mr. Evans authorized counsel to advise the Court that the government has no objection to the defendants' motions to continue.

/s/ KENDRA M. MATTHEWS  
KENDRA M. MATTHEWS

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2010.

/s/ FRANCES L. FRANKLIN  
Notary Public for Oregon  
My Commission Expires: 11/01/2012

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing AFFIDAVIT OF KENDRA M. MATTHEWS IN SUPPORT OF DEFENDANT NEEDLES' MOTION TO CONTINUE TRIAL DATE on the following attorneys by causing it to be electronically filed on January 22, 2010. According to prior case notices, each are enrolled in the Court's electronic notice system.

Dwight C. Holton  
Neil J. Evans  
Assistant United States Attorney  
United States Attorney's Office  
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Portland, OR 97204  
Of Attorneys for the Government

Francesca Freccero  
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